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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,487	01/20/2004	Tim Valley	WRN US-1	4059
26582 7590 04/10/2007 HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER REGO, DOMINIC E	
			ART UNIT	PAPER NUMBER
			2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,487

Applicant(s)

VALLEY ET AL.

Examiner

Dominic E. Rego

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 18-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 2 are objected to because of the following informalities: Claim 1, line 2, applicants state "periodically receiving content files via a satellite uplink". If the Affiliate radio stations are located in the earth surface, periodically receiving signal from the satellite is downlink, not uplink. Same argument applies to dependent claim 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,4,6,9,11-13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Burr, Jr. et al. (US Patent #6,978,116).

Regarding claim 1, Burr, jr. teaches a method for operating a radio station (Figure 1, affiliate radio station 30), comprising:

periodically receiving content files via a satellite uplink (*Col 1, lines 30-43: Burr, jr. teaches in FIG. 1, real-time digital audio program material is broadcast from a network headend facility 10 over a satellite communication link 20 to a number of geographically dispersed users (such as affiliate radio stations) 30*);

storing the received content files; and retrieving, playing and broadcasting at least some of the stored content files (Col 1, lines 44-62; Col 2, lines 13-27) in accordance with an electronic schedule (This is inherent to all the radio station to have a electronic schedule same as a time schedule for each program that need to be broadcast).

Regarding claim 2, Burr, Jr. teaches the method, wherein the electronic schedule is at least partly derived from a network schedule that is provided to the radio station via the satellite uplink (Col 1, lines 30-43; Col 2, lines 13-67: *Burr, Jr. teaches the equipment employed at a respective affiliate radio station 30 is comprised principally of a receiving satellite antenna subsystem 31, the output of which is coupled to a store and forward receiver 32. In its most basic application, the receiver may output received audio programming directly to an attendant rebroadcasting unit 33, such as one containing conventional radio broadcast transmission equipment, and the like, for real-time rebroadcast of the audio programming, so rebroadcasting radio program according to the electronic schedule from rebroadcasting unit 33 and receiving radio program from content provider 10 according to network schedule where electronic schedule derived from network schedule*).

Regarding claim 4, Burr, Jr. teaches the method, further comprising generating the electronic schedule by merging i) a network schedule received from a content provider, and ii) a local schedule maintained at the radio station (Col 1, lines 30-43; Col 2, lines 13-67: *Burr, Jr. teaches the equipment employed at a respective affiliate radio station 30 is comprised principally of a receiving satellite antenna subsystem 31, the*

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output of which is coupled to a store and forward receiver 32. In its most basic application, the receiver may output received audio programming directly to an attendant rebroadcasting unit 33, such as one containing conventional radio broadcast transmission equipment, and the like, for real-time rebroadcast of the audio programming, so rebroadcasting radio program according to the electronic schedule from rebroadcasting unit 33 and receiving radio program from content provider 10 according to network schedule where electronic schedule by merging a network schedule and also merging a local schedule which maintained at the radio station).

Regarding claim 6, Burr, jr. teaches the method, further comprising, when merging said network and local schedules:

identifying breaks in the network schedule (Col 2, lines 28-37);

determining, for each break, whether the local schedule specifies at least a minimum quantity of content for the break (col 2, lines 28-37: minimum quantity of content for the break is commercial break), and

i) if the local schedule specifies a minimum quantity of content for the break, filling the break with the specified content (col 2, lines 55-67); and

ii) if the local schedule does not specify a minimum quantity of content for the break, filling the break with the specified content, if any, and optional content specified by the network schedule (col 2, lines 55-67).

Regarding claim 9, Burr, Jr. teaches a method, comprising:

providing a plurality of affiliate radio stations with content files via a satellite-based content delivery system (Col 1, lines 30-62: Burr, jr. teaches in FIG. 1, real-time

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digital audio program material is broadcast from a network headend facility 10 over a satellite communication link 20 to a number of geographically dispersed users (such as affiliate radio stations) 30);

providing each of the affiliate radio stations with an electronic schedule (*This is inherent to all the radio station to have a electronic schedule same as a time schedule for each program that need to be broadcast in a timely manner*) that instructs an automation system (*Col 2, lines 22-25: Burr, Jr. teaches the receiver may be connected to an automation system, which may accept signaling inputs from or provide signal outputs to the receiver*) of the affiliate radio station to retrieve, play and broadcast ones of the content files, thereby generating a near real-time radio broadcast (*Col 1, lines 44-62; Col 2, lines 13-27*).

Regarding claim 11, Burr, Jr. teaches the method, wherein the electronic schedules provided to at least two of the affiliate radio stations each reference a given content file indicator (specific station identifier) (*Col 1, lines 30-62: Burr, Jr. teaches in FIG. 1, real-time digital audio program material is broadcast from a network headend facility 10 over a satellite communication link 20 to a number of geographically dispersed users (such as affiliate radio stations) 30*); the method further comprising:

recording at least two different content files for the given content file indicator, and associating each of the different content files with a different token (*Col 1, line 30-Col 2, line 25: Burr, Jr. teaches in FIG. 1, real-time digital audio program material is broadcast from a network headend facility 10 over a satellite communication link 20 to a*

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number of geographically dispersed users (such as affiliate radio stations) 30) with a different token (file information)); and

in response to said different tokens, said satellite-based content delivery system providing a different content file to each of the at least two affiliate radio stations (Col 1, lines 44-62).

Regarding claim 12, Burr, Jr. teaches a radio network, comprising:

a plurality of affiliate radio stations (Col 1, lines 30-62: Burr, Jr. teaches in FIG. 1, real-time digital audio program material is broadcast from a network headend facility 10 over a satellite communication link 20 to a number of geographically dispersed users (such as affiliate radio stations) 30);

a content provider (Figure 1, Real-time audio content 11), linked to the plurality of affiliate radio stations (Col 1, lines 30-62: Burr, Jr. teaches in FIG. 1, real-time digital audio program material is broadcast from a network headend facility 10 over a satellite communication link 20 to a number of geographically dispersed users (such as affiliate radio stations) 30) via a satellite-based content delivery system (Figure 1, elements 12-14), providing content to each of the affiliates in the form of discrete content files (Col 1, lines 30-42).

Regarding claim 13, Burr, Jr. teaches the radio network, wherein the content provider (Figure 1, Real-time Audio content 11) uses a one-way link of the satellite-based content delivery system (Figure 1, elements 12-14) to transfer content files to ones of the affiliate radio stations (Figure 1, element 30).

Regarding claim 15, Burr, Jr. teaches the radio network, wherein the content provider (Figure 1, Real-Time content 11 or audio server 14) comprises:

an origination component providing operators of the content provider an interface to record and manage content files that are to be transmitted to the affiliate radio stations (Col 1, line 63-Col 2, line 12); and

a distribution component to deliver said content files via the satellite-based content delivery system (Col 1, line 63-Col 2, line 12).

Regarding claims 16, Burr, Jr. teaches the radio network, wherein the content provider further comprises an encapsulation component to encapsulate said content files prior to their distribution by the distribution component (Col 1, lines 30-42).

Regarding claim 17, Burr, Jr. teaches the radio network, wherein the content provider provides content to different ones of the affiliate radio stations using only a single satellite (Figure 1, element 20) channel of the satellite-based content delivery system (Col 1, lines 30-42; Col 2, lines 13-27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, Jr. et al. (US Patent #6,978,116) in view of Billmaier (US Patent Application Publication #2004/0244042).

Regarding claims 3 and 14, Burr, Jr. fails to teach the method, wherein the electronic schedule is at least partly derived from a network schedule that is provided to the radio station via an internet connection.

However, in related art, Billmaier teaches the method, wherein the electronic schedule is at least partly derived from a network schedule that is provided to the radio station via an Internet connection (Paragraphs 0033 and 0034).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Billmaier to Burr, Jr. in order to broadcast the radio program around the world.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, Jr. et al. (US Patent #6,978,116) in view of Osato et al. (US Patent Application Publication #2003/0153264).

Regarding claim 5, Burr, Jr. fails to teach the method, wherein said network schedule and local schedule are merged once an hour to generate the electronic schedule for the next hour.

However, in related art, Osato teaches the method, wherein said network schedule and local schedule are merged once an hour to generate the electronic schedule for the next hour (paragraph 0095).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Osato to Burr, Jr. in order to constantly broadcasting radio program without being silence between the gaps/breaks.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, Jr. et al. (US Patent #6,978,116) in view of Plotnick et al. (US Patent Application Publication #2005/0097599).

Regarding claim 7, Burr, Jr. fails to teach the method, wherein the minimum quantity of content is at least ninety seconds of content.

However, in related art, Plotnick teaches the method, wherein the minimum quantity of content is at least ninety seconds of content (Paragraph 0226).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Plotnick to Burr, Jr. in order to accurately cover the break time without any delay.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, Jr. et al. (US Patent #6,978,116).

Regarding claim 8, Burr, Jr. fails to teach the method, wherein: the network schedule specifies optional content for each break in the network schedule; and if optional content is used to fill a break in the network schedule, all of the optional content specified for the break is used.

However, Burr, Jr. also teaches although the each of the eight actions listed above for a typical sixty second station break is a relatively simple function, it is imperative that they be executed with a very high degree of timing accuracy, in order to ensure that they be perceived to the listener as occurring instantaneously (without delay). So, if one of those commercial/advertise (content) becomes corrupted, there is obviously have other option to cover the corrupted commercial/advertise/content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching so that program can broadcast continually with a high degree of timing accuracy.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burr, Jr. et al. (US Patent #6,978,116) in view of Corts et al. (US Patent Application Publication #2004/0244042).

Regarding claims 10, Burr, Jr. fails to teaches the method, wherein different electronic schedules are provided to the affiliate radio stations corresponding to each of a number of different radio broadcast formats.

However, in related art, Corts teaches the method, wherein different electronic schedules are provided to the affiliate radio stations corresponding to each of a number of different radio broadcast formats (Paragraph 0329).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Corts to Burr, Jr. so that radio station can broadcast radio program in times of the day.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fishman et al. (US Patent Application Publication #2005/0202808) teaches method, system, and computer program product for over-the-air downloading to satellite radio.

Marsh (US Patent Application Publication #2005/0027449) teaches weather information network enabled mobile system (WINEMS).

Kesling et al. (US Patent Application Publication #2002/0132575) teaches system and method for mobile commerce.

Sardera (US Patent Application Publication #2005/0028200) teaches media content navigation associated advertising.

Burges et al. (US Patent Application Publication #2005/0086682) teaches inferring information about media stream object.

Scheelke et al. (US Patent Application Publication #2006/0259926) teaches adaptable programming guide for networked device.

Cook et al. (US Patent Application publication #2003/0018966) teaches system and method for selective insertion of content into streaming media.

Loudermilk et al. (US Patent #7,076,035) teaches systems and method for creating, modifying, interacting with and playing musical composition.

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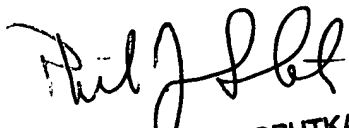
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego



8/30/07

PHILIP J. SOBUTKA
PATENT EXAMINER